

exceed \$10,000 a year, to be fixed by the Secretary of War. The Secretary of War may delegate to the chairman any of the functions vested in the Secretary by this subdivision of this chapter.

The statutory provision constituting par. (c) of § 154 of this title was amended to read as above by Act Feb. 28, 1927, c. 229, 44 Stat. 1201, entitled "An Act to amend paragraph (c) of section 4 of the Act entitled 'An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes,' approved June 3, 1924." Matter in italics new.

★155. Powers of corporation.—

"therefore" in line 15 of this section should read "therefor."

★156. Property, rights, duties, liabilities, etc.; limitation statutes.—

"enforceable" in line 1 of paragraph (d) of this section should read "enforcible."

Chapter 6.—AIR COMMERCE. [NEW.]

AIR COMMERCE ACT

Section 171. Air commerce; definitions.—As used in this subchapter, the term "air commerce" means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business. As used in this subchapter, the term "interstate or foreign air commerce" means air commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through the air space over any place outside thereof; or wholly within the air space over any Territory or possession or the District of Columbia.

New. This section constitutes § 1 of Act May 20, 1926, c. 344, 44 Stat. 508, entitled "An Act to encourage and regulate the use of aircraft in commerce, and for other purposes."

Section 5 (e) of said Act amends Act Oct. 1, 1890, c. 1200, § 3, 30 Stat. 653, which constitutes § 313 of Title 15.

The first sentence of § 8 will be found in § 502a of Title 5.

172. Promotion of air commerce.—It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this subchapter, and for such purpose—

(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.

(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

New. This section constitutes § 2 of Act May 20, 1926, c. 344, 44 Stat. 509.

See note to § 171.

173. Regulatory powers.—The Secretary of Commerce shall by regulation—

(a) **Registration of aircraft.**—Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

(b) **Rating of aircraft as to airworthiness; basis; re-rating.**—Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating, the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than eight months after May 20, 1926, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, re-rate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

(c) **Examination and rating of airmen.**—Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

(d) **Examination and rating of air navigation facilities.**—Provide for the examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

(e) **Air traffic rules.**—Establish air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

(f) **Issuance, suspension and revocation of certificates; procedure in case of denial, suspension or revocation; hearing; effect of decision.**—Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this subchapter. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least ten days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or

any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpoenas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than ten days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

New. This section constitutes § 3 of Act May 20, 1926, c. 344, 44 Stat. 569.

See note to § 171.

174. Airspace reservations.—The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public safety purposes. The several States may set apart and provide for the protection of necessary airspace reservations in addition to and not in conflict either with airspace reservations established by the President under this section or with any civil or military airway designated under the provisions of this subchapter.

New. This section constitutes § 4 of Act May 20, 1926, c. 344, 44 Stat. 570.

See note to § 171.

175. Aids to air navigation.—(a) Transfer of airways, facilities, etc., by Postmaster General; expenditure of appropriation.—Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the airways under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air navigation facilities (except airports and terminal landing fields) used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce, and the established airports and terminal landing fields may be transferred to the jurisdiction and control of the municipalities concerned under arrangements subject to approval by the President. All unexpended balances of appropriations which are available for and which have been allotted for expenditure upon such airways, emergency landing fields, and other air navigation facilities, except airports and terminal landing fields, shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made. No part of such unexpended balances of appropriations shall be used for the purchase or establishment of airports or terminal landing fields.

(b) Establishment of civil airways and navigation facilities; publication of maps; no exclusive right to be granted.—The Secretary of Commerce is authorized to designate and establish civil airways and, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along such airways all necessary air navigation facilities except airports; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any civil airway, airport, emergency landing field, or other air navigation facility under his jurisdiction.

(c) Availability of government facilities for public use.—Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deems advisable and may by regulation prescribe.

(d) Sale of fuel and supplies; service and shelter; prices; disposition of receipts.—The head of any Government department or other independent establishment having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

(f) Effect of chapter on designation of military airways; designation of military airway as civil airway; effect of such designation.—Nothing in this subchapter shall be construed to prevent the Secretary of War from designating routes in the navigable airspace as military airways and prescribing rules and regulations for the use thereof on routes which do not conform to civil airways established hereunder, or to prevent the Secretary of Commerce from designating any military airway as a civil airway, and when so designated it shall thereupon become a civil airway within the meaning of this subchapter, and the Secretary of War is hereby authorized to continue the operation of air navigation facilities for any military airway so designated as a civil airway until such time as the Secretary of Commerce can provide for the operation of such facilities.

New. This section constitutes § 5 of Act May 20, 1926, c. 344, 44 Stat. 570.

See note to § 171.

176. Foreign aircraft.—(a) Sovereignty of airspace declared; navigation of foreign military aircraft.—The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the airspace over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

(b) Navigation of foreign civil aircraft; authorization; applicability of regulations.—Foreign aircraft not a part of the armed forces of the foreign nation shall be navigated in the United States only if authorized as hereinafter in this section provided; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 173 of this chapter, unless exempt under subdivision (c) of this section.

(c) Navigation of foreign civil aircraft; condition of authorization; exemption from regulations; engagement in air commerce.—If a foreign nation grants a similar privilege in respect of aircraft of the United States, and/or airmen serving in connection therewith, the Secretary of Commerce may author-

ize aircraft registered under the law of the foreign nation and not a part of the armed forces thereof to be navigated in the United States, and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 173 of this chapter, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce.

New. This section constitutes § 6 of Act May 20, 1926, c. 344, 44 Stat. 572.

See note to § 171.

177. Application of existing laws relating to foreign commerce.—(a) Application of navigation and shipping laws to aircraft.—The navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

(b) Designation of ports of entry; detail of officers; application of customs and public health laws.—The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

(c) Application of laws relating to entry and clearance of vessels.—The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) Designation of ports of entry for aliens; detail of officers; application of laws relating to immigration.—The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

New. This section constitutes § 7 of Act May 20, 1926, c. 344, 44 Stat. 572.

See note to § 171.

178. Powers of Secretary of Commerce; regulations; expenditures; publication of bulletin; acquisition and operation of aircraft, etc.—Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this subchapter and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this subchapter; (2) to make such expenditures (includ-

ing expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this subchapter as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities, except airports, as are necessary for executing the functions vested in the Secretary of Commerce by this subchapter.

New. This section constitutes a part of § 8 of Act May 20, 1926, c. 344, 44 Stat. 573.

See note to § 171. As noted therein, the first sentence of this section, providing for the appointment of an additional Assistant Secretary of Commerce will be found in § 502a of Title 5.

179. Definitions.—As used in this subchapter—

(a) The term "citizen of the United States" means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and two-thirds or more of the board of directors or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per centum of the voting interest is controlled by persons who are citizens of the United States or its possessions.

(b) The term "United States," when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

(c) The term "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(d) The term "public aircraft" means an aircraft used exclusively in the governmental service.

(e) The term "civil aircraft" means any aircraft other than a public aircraft.

(f) The term "aircraft of the United States" means any aircraft registered under this subchapter.

(g) The term "airport" means any locality, either of water or land, which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

(h) The term "emergency landing field" means any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft and is not used regularly for the receipt or discharge of passengers or cargo by air.

(i) The term "air navigation facility" includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility, used as an aid to air navigation.

(j) The term "civil airway" means a route in the navigable airspace designated by the Secretary of Commerce as a route suitable for interstate or foreign air commerce.

(k) The term "airman" means any individual (including the person in command and any pilot, mechanic, or member of

the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

New. This section constitutes § 9 of Act May 20, 1926, c. 344, 44 Stat. 573.

See note to § 171.

180. Navigable airspace.—As used in this subchapter, the term "navigable airspace" means airspace above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 173 of this chapter, and such navigable airspace shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this subchapter.

New. This section constitutes § 10 of Act May 20, 1926, c. 344, 44 Stat. 574.

See note to § 171.

181. Offenses; penalties.—(a) **Infractions in navigation specified.**—It shall be unlawful, except to the extent authorized or exempt under section 176 of this chapter—

(1) To navigate any aircraft within any airspace reservation otherwise than in conformity with the Executive orders regulating such reservation.

(2) To navigate any aircraft (other than a foreign aircraft) in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States; or to navigate any foreign aircraft in the United States.

(3) To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate.

(4) To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate.

(5) To navigate any aircraft otherwise than in conformity with the air traffic rules.

(b) **Further violations of law; penalties imposable, remission or mitigation; lien; collection; libel proceedings.**—Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 177 of this chapter, or (2) any customs or public health regulation made under such section, or (3) any immigration regulation made under such section, shall be subject to a civil penalty of \$500 which may be remitted or mitigated by the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitiga-

tion proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(c) **Seizure under lien; enforcement; release.**—Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

(d) **Forging or altering certificate; penalty.**—Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this subchapter, or knowingly uses or attempts to use any such fraudulent certificate shall be guilty of an offense punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment.

(e) **Exhibition of or interference with lights or signals; penalties.**—Any person (1) who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this subchapter, or for a true light or signal in connection with an airport or other air navigation facility, or (2) who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or (3) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or (4) who without lawful authority knowingly exhibits any such true light or signal, shall be guilty of an offense punishable by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

(f) **Disposition of penalties.**—All penalties paid under this subchapter, shall be covered into the Treasury as miscellaneous receipts.

New. This section constitutes § 11 of Act May 20, 1926, c. 344, 44 Stat. 574.

See note to § 171.

182. Separability.—If any provision of this subchapter is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the subchapter and the application of such provision to other persons and circumstances shall not be affected thereby.

New. This section constitutes § 12 of Act May 20, 1926, c. 344, 44 Stat. 575.

See note to § 171.

183. Time of taking effect.—This subchapter shall take effect on May 20, 1926; except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter.

New. This section constitutes § 13 of Act May 20, 1926, c. 344, 44 Stat. 576.

See note to § 171.

184. Citation.—This subchapter may be cited as the "Air Commerce Act of 1926."

New. This section constitutes § 14 of Act May 20, 1926, c. 344, 44 Stat. 576.

See note to § 171.

SUPPLEMENTAL LEGISLATION

201. Air Corps; detail of officers to promote civil aviation.—The President of the United States be, and he is hereby, authorized in his discretion to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation as provided for in this chapter: *Provided*, That such detail shall not be for a period of more than one year.

New. This section constitutes Res. July 3, 1920, c. 807, 41 Stat. 915, entitled "Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation."

PUBLIC AIRPORTS

211. Lease of contiguous public lands for public airports; authority of Secretary of Interior.—The Secretary of the Interior is authorized, in his discretion and under such regulations as he may prescribe, to lease for use as a public airport any contiguous public lands, unreserved and unappropriated, not to exceed six hundred and forty acres in area, subject to valid rights in such lands under the public land laws.

New. This section constitutes § 1 of Act May 24, 1928, c. 728, 45 Stat. 728, entitled "An Act to authorize the leasing of public lands for use as public aviation fields."

212. Same; terms of lease.—Any lease under section 211 of this title shall be for a period not to exceed twenty years, subject to renewal for like periods upon agreement of the Secretary of the Interior and the lessee. Any such lease shall be subject to the following conditions:

(a) That an annual rental of such sum as the Secretary of the Interior may fix for the use of the lands, shall be paid to the United States.

(b) That the lessee shall maintain the lands in such condition, and provide for the furnishing of such facilities, service, fuel, and other supplies, as are necessary to make the lands available for public use as an airport of a rating which may be prescribed by the Secretary of Commerce.

(c) That the lessee shall make reasonable regulations to govern the use of the airport, but such regulations shall take effect only upon approval by the Secretary of Commerce.

(d) That all departments and agencies of the United States operating aircraft (1) shall have free and unrestricted use of the airport, and (2) with the approval of the Secretary of the Interior, shall have the right to erect and install therein such structures and improvements as the heads of such departments and agencies deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft.

(e) That whenever the President may deem it necessary for military purposes, the Secretary of War may assume full control of the airport.

New. This section constitutes § 2 of Act May 24, 1928, c. 728, 45 Stat. 728.

For title of Act see note to § 211.

213. Same; cancellation of leases made under law in force May 24, 1928.—With the consent of the lessee, the Secretary of the Interior is authorized to cancel any lease of public lands for use as public aviation fields or airports, made under law in force May 24, 1928, and to lease such lands to the lessee upon the conditions prescribed by section 212 of this title.

New. This section constitutes § 3 of Act May 24, 1928, c. 728, 45 Stat. 729.

For title of Act see note to § 211.

214. Beacon lights and other air-navigation facilities; establishment on unreserved and unappropriated lands.—The Secretary of the Interior is hereby authorized, in his discretion and under such rules as he may prescribe, to grant permission for the establishment of beacon lights and other air-navigation facilities, except terminal airports, upon tracts of unreserved and unappropriated public lands of the United States of appropriate size, and may withdraw the lands for such purposes.

New. This section constitutes § 4 of Act May 24, 1928, c. 728, 45 Stat. 729.

For title of Act see note to § 211.